

## PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

418268883US

	Application Number 09/652,502-Conf. #3677	Filed August 31, 2000
	First Named Inventor Wong et al.	
	Art Unit 2157	Examiner A. M. Gold

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

applicant/inventor.

assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b)  
is enclosed. (Form PTO/SB/96)

attorney or agent of record.

Registration number 33,273

Signature

Maurice J. Pirio

Typed or printed name

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34. \_\_\_\_\_

(206) 359-8000

Telephone number

June 28, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below\*.

\*Total of 1 forms are submitted.

Docket No.: 418268883US  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

---

In re Patent Application of:  
Wong et al.

Application No.: 09/652,502

Confirmation No.: 3677

Filed: August 31, 2000

Art Unit: 2157

For: UPDATING PRESENCE INFORMATION

Examiner: A. M. Gold

---

**PRE-APPEAL BRIEF ARGUMENT**

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant submits along with the Notice of Appeal the following arguments for consideration by the conference panel. Applicant respectfully submits that the arguments point out clear errors in the rejection of the claims. Applicant respectfully requests reconsideration of this application in view of these arguments.

A. Overview

1. Applicants' Technology

Applicants' technology is directed to maintaining the master status indicating the presence status of a user who may be logged on via multiple clients, such as in an instant messaging ("IM") environment. Other users may register to receive the presence status of that user so they will know how best to communicate with that user. For example, a user may log on to an IM environment with an identity (e.g., user@xxx.com) using a desktop computer and again with the same identity using a personal digital assistant so that the user is logged on through both clients at the same time using the same identity. If the user then logs off from the personal digital assistant, the presence status of the user is offline on the personal digital assistant and online on the desktop computer. Applicants' technology determines a master status, which in this simple case may be online. Prior systems typically allow a user to be logged on to an IM environment only through a single device at a time. In such prior systems, the presence status of the user was simply the status as determined from that single device. Thus, the prior system did not need to maintain a master status for users logged on to multiple devices. Moreover, since the statuses of multiple devices can be at various levels of detail, such as busy, idle, out to lunch, back soon, and on the phone, and may be conflicting, such as busy and idle, the determination of the master status of a user may be complex. For example, if one client reports a status of busy and then another client reports as status of idle, the determination may be to ignore the idle status and leave the master status as busy, since the user may be idle at one client but busy at another.

2. Bunney Reference

Bunney provides a solution to a problem that occurs when a user with multiple addresses (or identities) is logged on using one address. If a person sends a message to the user at a different address, the problem is that the user will not receive that message until the user logs on to that different address. Bunney's solution is to have a table that lists all the addresses of the user and whenever a message is received for an address

other than the logged-on address, Bunney sends a notification to the logged-on address that a message has been received for another address.

Bunney describes a "notification server" that operates in an environment where a user has multiple identities. For example, a user may have the identities of "George@compu.xxx.com," "Superman@sports.xxx.com," and "Max@game.xxx.com." Bunney's technique allows a user who is logged on using one identity to receive notifications of messages sent to one of their other identities. For example, if a user is logged on to "George@compu.xxx.com" and a message is sent to "Superman@sports.xxx.com," the user is notified of the message via their "George@compu.xxx.com" identity. The user can then switch to their other identity to view the message. Bunney describes that a user when working in one identity can indicate that they do not want to receive notifications of messages sent to certain other of their identities. For example, a user logged on to a work-related identity may not want to receive notifications of messages sent to their recreation-related identity. Bunney describes that a server tracks the identities for each user and the "current" identity to which the user is currently logged on so that the notifications can be sent to the current identity as appropriate. (Bunney, 8:22-9:32.)

Bunney also describes a "session manager" that tracks the current state of a user such as available, away, invisible, or busy. The state defines the availability of the user to receive notifications from other users. For example, when in the available state, a user will receive notifications of messages from any user sent to another address, and when in the busy state, the user will not receive any such notifications of messages.

**B. Issue**

The issue is whether Bunney has any teaching or suggestion to determine a master status for a user by evaluating a first status update, a first view status, and a second view status.

The Examiner believes that Bunney's logged-on address corresponds to the claimed "master status" and that Bunney's status (e.g., available and away) corresponds to the claimed "status" of the first status update. The Examiner points to Bunney at column 9, lines 1-20 as teaching "evaluating at least the first status update, the first view status and the second view status ... to determine the master status of the electronic message user." (Office Action, Feb. 28, 2006, p. 3.) It is the Examiner's position that "Bunney discloses the server checking the table to see which address to send a notification to." (Id. at p. 4.) Apparently, the Examiner is suggesting that the "master status" is the address to which the notification is to be sent. Bunney, however, neither teaches nor suggests that the logged-on address of a user is determined by evaluating the user's status (e.g., available and away) as would be required to meet the limitations, for example, of claim 1.

In the Advisory Action, the Examiner points to a first user terminal and a second user terminal of Bunney at 1:60-67 as corresponding to the first view status and the second view status of the claims. This cited portion of Bunney, however, makes it clear that different users are logged on to the first and second user terminals. In particular, a message is sent from a first user terminal to the second user terminal. Clearly, the Examiner is not suggesting that a user is sending a message to himself. Moreover, Bunney explicitly states that a user is only logged in once in the following:

[W]hen a user has logged in with one of said several addresses, and the other addresses assigned to the same user are not in a logged-in state, no message or notification from a server or another user terminal can be forwarded to the user, when the notification or message is addressed to one of the addresses which are in a non-logged-in state.

(Bunney, 1:20-24.) Since a user cannot be logged on to multiple devices, any status associated with Bunney's user terminals cannot be for the same "electronic messaging user" as recited by the claims. For example, claim 1 recited "a first view status for the electronic messaging user identified by the user identification" and "a second view status for the electric messaging user identified by the user identification."

C. Conclusion

Each of the claims are directed to generating a master status of a user from the statuses of the user as reported by multiple computers at which the user is logged on. Even if one were motivated to modify Bunney as suggested by the Examiner, there would still be no master status. Rather, each of the multiple logged-on computers would simply have their own statuses.

Applicant respectfully requests reconsideration of this application and its early allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8548.

Dated: 6-28-06

Respectfully submitted,

By Maurice J. Pirio  
Maurice J. Pirio  
Registration No.: 55,592  
PERKINS COIE LLP  
P.O. Box 1247  
Seattle, Washington 98111-1247  
(206) 359-8000  
(206) 359-7198 (Fax)  
Attorneys for Applicants